
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

YUNIOR ARGUETA,

Defendant.

**MEMORANDUM DECISION AND
ORDER REDUCING DEFENDANT'S
PRISON SENTENCE PURSUANT TO
AMENDMENT 821 OF THE U.S.
SENTENCING GUIDELINES**

Case No. 4:20-CR-131-DN

District Judge David Nuffer

The parties filed a Stipulated Motion¹ for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) and Part B of Amendment 821 of the United States Sentencing Guidelines. The parties' Stipulated Motion is GRANTED and Defendant's sentence is reduced from 72 months of imprisonment to 70 months of imprisonment.

BACKGROUND

On September 29, 2021, Defendant was sentenced to 72 months of imprisonment, which was a downward departure from the guideline range 87-108 months.² Under Part B of Amendment 821 Defendant is eligible for a two-level reduction in the total offense level, which produces a lower guideline range of 87-70 months.³ Part B of Amendment 821 allows the court discretion to grant a sentence reduction based on the guideline range that is proportionally equal to the original sentence departure. A proportional departure produces an amended sentence of 70

¹ Stipulated Motion, [docket no. 64](#), filed January 11, 2024.

² Stipulated Motion, [docket no. 64](#), at 1.

³ Stipulated Motion, [docket no. 64](#), at 1.

months. The government and counsel for Defendant agree that Defendant's sentence should be reduced to 70 months.

The government and Defendant did not explain why they believe 70 months is "a reasonable sentence under the circumstances."⁴ However, [Section 1B1.10\(b\)\(2\)\(A\)](#) of the United States Sentencing Commission Guideline Manual states:

[except for Defendants that provide substantial assistance] the court shall not reduce the defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) and this policy statement to a term that is less than the minimum of the amended guideline range[.]

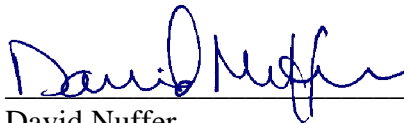
Therefore, under [Section 1B1.10\(b\)\(2\)\(A\)](#), Defendant cannot receive an amended term of imprisonment that is below the amended guideline range of 87-70 months. For this reason, it appears the stipulated Motion proposes an amended term of imprisonment of 70 months.

ORDER

The parties' Stipulated Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) and Part B of Amendment 821 of the United States Sentencing Guidelines is GRANTED. The Defendant's term of imprisonment is reduced from 72 months to 70 months. The effective date of this Order is February 1, 2024.

Signed January 29, 2024.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

⁴ Stipulated Motion, [docket no. 64](#), at 2.